

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41560 of 2019**

Arising Out of PS. Case No.-108 Year-2018 Thana- PHULPARAS District- Madhubani

1. KAMLESH KUMAR MAHTO @ KAMLESH MAHTO Son of Ram Lakhan Mahto Resident of Village- Sangram, P.S.- Sangram (O.P.), District- Madhubani.
2. Amarjit Kumar Mandal @ Amarjit Mandal Son of Arun Kumar Mandal Resident of Village- Parsadham, P.S.- Sangram (O.P.), District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 27-09-2019 This application, so far as it related to petitioner no. 1, has been dismissed as infructuous vide order dated 06.09.2019.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Phulparas P.S. Case No. 108 of 2018, G.R. No. 788 of 2018, disclosing offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a)(d) of Bihar Prohibition and Excise Act, 2016.

In view of the Full Bench decision of this Court in case of *Ram Vinay Yadav Vs. The State of Bihar*, reported in **2019(2) PLJR 1089 (F.B.)**, and the provisions under Section



76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not maintainable.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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